

REMARKS/ARGUMENTS

Applicants' undersigned attorney has attempted to contact the Examiner to set up an Interview and respectfully requests an Interview after the Examiner has had an opportunity to review the response provided herein.

Claims 1-18 stand rejected under 35 U.S.C. 103(b) as being unpatentable over U.S. Patent No. 5,190,666 (Bisconte) in view of U.S. Patent No. 6,190,619 (Kilcoin et al.). Applicants respectfully request reconsideration of the rejection of claims 1-18.

In the "Response to Arguments" of the final Office Action, the Examiner describes Bisconte as teaching a plurality of wells 19 that are separated from the pressure chamber by a plate 13a and notes that Bisconte does not teach a plurality of reaction wells that are fluidically isolated from one another. The Examiner then suggests that one of ordinary skill in the art would add the features of the lid and caps of Kilcoin et al. to the plate 13a of Bisconte.

Applicants respectfully disagree with the Examiner's description of the apparatus of Bisconte. The wells 19 are not separated from the pressure chamber by plate 13a. Instead, the sealed chamber 27 is defined by the lower surface of plate 13a, enclosure 8a, and the storage wells 19 (see, Fig. 2 and col. 5, lines 42-45). Plate 13a includes an opening for passing air under pressure into chamber 27 so that samples are delivered upward to filters 2a, 2b via dip tubes 21 and pipes 12a.

Even if the lid and caps of Kilcoin et al. were somehow added to the plate 13a of Bisconte, as suggested by the Examiner, this would not lead to Applicants' invention. The wells 19 would still be in direct communication with each other and the chamber 27 since the lid 13a is spaced from the wells to create the chamber 27.

Applicants further note that the caps of Kilcoin et al. are used to vent the wells at the same time the vessels are being filled. Thus, the caps are configured to

expose the vessels to an inlet and a vent in the open position. If a common pressure chamber were somehow connected to the inlet passageway, the vessels would not hold pressure since each vessel is also open to a vent.

Moreover, there is no reason for Bisconte to close off the reaction wells from the pressure chamber, since the pressure from the chamber is required to deliver the samples to the filters. Thus, the apparatus cannot perform its primary function of filtering samples if the wells are closed off to the chamber.

Accordingly, claim 1 is submitted as patentable over Bisconte and Kilcoin et al. Claims 2-7, depending either directly or indirectly from claim 1, are submitted as patentable for at least the same reasons as claim 1.

Claims 2-7 are further submitted as patentable over the art cited, which does not show or suggest a group of reaction wells fluidically isolated from another group of reaction wells during a stage of operation.

Claim 8 is submitted as patentable over Bisconte and Kilcoin et al., because neither reference shows or suggests a flow restriction device comprising a plurality of check valves each configured to allow flow from a pressure chamber into one or more reaction wells and restrict flow from the reaction wells into the pressure chamber.

Claims 9-13, depending directly from claim 8, are submitted as patentable for at least the same reasons as claim 8. Claims 9 and 10 are also submitted as patentable for the reason discussed above with respect to claims 2-7.

Claim 14 and claims 15-18, depending therefrom, are submitted as patentable over Bisconte and Kilcoin et al. for the reasons discussed above with respect to claims 1 and 2-7.

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels

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that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Kaplan', with a long horizontal flourish extending to the right.

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